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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Chile,* Côte d'Ivoire, Croatia,* Cyprus,* Czech Republic,* Denmark,* Estonia,* Finland,* France, Georgia, Germany, Ghana, Greece,* Honduras,* Hungary,* Iceland,* Ireland,* Italy,* Japan,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico, Montenegro,* Netherlands, New Zealand,* Norway,* Paraguay, Peru,* Poland,* Portugal, Republic of Korea, Republic of Moldova,* Romania,* Sierra Leone,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, the former Yugoslav Republic of Macedonia, Tunisia,* Ukraine,* United States of America,* Uruguay:*
draft resolution

32/... Civil society space

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the International Covenants on Human Rights and all other relevant instruments,

Recalling the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recalling also its resolutions 27/31 of 26 September 2014, on civil society space, and 24/21 of 27 September 2013, on civil society space: creating and maintaining, in law and in practice, a safe and enabling environment,

Recalling further all Human Rights Council resolutions relevant to creating and maintaining civil society space, inter alia, resolutions 12/16 of 2 October 2009 on freedom of opinion and expression, 21/16 of 27 September 2012, on the rights to freedom of peaceful assembly and of association, 31/32 of 24 March 2016, on protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights, 30/9 of 1 October 2015, on equal participation in political and public affairs, 24/24 of 27 September 2013, on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, 31/37 of 24 March 2016, on

the promotion and protection of human rights in the context of peaceful protests, and 26/13 of 26 June 2014, on the promotion, protection and enjoyment of human rights on the Internet,

Recognizing the important role of civil society at the local, national, regional and international levels, that civil society facilitates the achievement of the purposes and principles of the United Nations, and that the restriction of civil society space therefore has a negative impact upon their achievement,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[1] including the commitments therein to, inter alia, promote peaceful and inclusive societies for sustainable development, provide access to justice for all, build effective, accountable and inclusive institutions at all levels, and strengthen the means of implementation and to revitalize the Global Partnership for Sustainable Development, and also welcoming its recognition of the importance of multi-stakeholder partnerships for the achievement of the Sustainable Development Goals,

Welcoming also the awarding of the Nobel Peace Prize to various civil society actors and human rights defenders as recognition of the decisive contribution that civil society can make in the promotion of human rights, the creation of peaceful dialogue and the building of pluralistic democracies, including the award to the civil society-led National Dialogue Quartet in 2015,

Gravely concerned that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats, harassment and attacks and suffer insecurity as a result of those activities, including through restrictions on freedom of association or expression or the right to peaceful assembly, or abuse of criminal or civil proceedings, or deplorable acts of intimidation and reprisal intended to prevent their cooperation with the United Nations and other international bodies in the field of human rights,

Underscoring that the legal framework within which civil society operates is that of national legislation consistent with the Charter and international human rights law,

Mindful that domestic legal and administrative provisions and their application should facilitate, promote and protect an independent, diverse and pluralistic civil society, and in this regard strongly rejecting all threats, attacks, reprisals and acts of intimidation against civil society actors, and underscoring that States should investigate any such alleged acts, ensure accountability and effective remedies, and take steps to prevent any further such threats, attacks, reprisals or acts of intimidation,

Deeply concerned that, in some instances, domestic legal and administrative provisions, such as national security and counter-terrorism legislation, and other measures, such as provisions on funding to civil society, or registration or reporting requirements, have sought to or have been misused to hinder the work and endanger the safety of civil society, and recognizing the urgent need to prevent and stop the use of such provisions, and to review and, where necessary, amend any relevant provisions in order to ensure compliance with international human rights law and, where applicable, international humanitarian law,

Recognizing that the ability to seek, secure and use resources is essential to the existence and sustainable operation of civil society actors, and that restrictions on funding to civil society actors may constitute a violation of the right to freedom of association,

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[1] General Assembly resolution 70/1.

Reaffirming that special emphasis should be given to measures to assist in the strengthening of a pluralistic civil society, including through the strengthening of the rule of law, social and economic development, the promotion of the right to freedom of expression, online and offline, including artistic expression and creativity, access to information, the rights of peaceful assembly and freedom of association, including soliciting, receiving and utilizing resources, and the administration of justice, and to the real and effective participation of the people in the decision-making processes,

Recognizing the crucial importance of the active involvement of civil society, at all levels, in processes of governance and in promoting good governance, including through transparency and accountability, at all levels, which is indispensable for building peaceful, prosperous and democratic societies,

1. *Emphasizes* that creating and maintaining a safe and enabling environment in which civil society can operate free from hindrance and insecurity assists States in fulfilling their existing international human rights obligations and commitments, without which equality, accountability and the rule of law are severely weakened, with implications at the national, regional and international levels;

2. *Welcomes* the report of the United Nations High Commissioner for Human Rights on practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned;[2]

3. *Reminds* States of their obligation to respect and fully protect the civil, political, economic, social and cultural rights of all individuals, inter alia, the rights to freedom of expression and opinion and to assemble peacefully and associate freely, online as well as offline, including for persons espousing minority or dissenting views or beliefs, and that respect for all such rights, in relation to civil society, contributes to addressing and resolving challenges and issues that are important to society, such as addressing financial and economic crises, responding to public health crises, responding to humanitarian crises, including in the context of armed conflict, promoting the rule of law and accountability, achieving transitional justice goals, protecting the environment, realizing the right to development, empowering persons belonging to minorities and vulnerable groups, combating racism and racial discrimination, supporting crime prevention, countering corruption, promoting corporate social responsibility and accountability, combating human trafficking, empowering women, youth and children, advancing social justice and consumer protection, the realization of all human rights and the implementation of the 2030 Agenda for Sustainable Development;

4. *Urges* States to create and maintain, in law and in practice, a safe and enabling environment in which civil society can operate free from hindrance and insecurity;

5. *Emphasizes* the importance of civil society space for empowering persons belonging to minorities and vulnerable groups, as well as persons espousing minority or dissenting views or beliefs, and in that regard calls upon States to ensure that legislation, policies and practices do not undermine the enjoyment by such persons of their human rights or the activities of civil society in defending their rights;

6. *Also emphasizes* the important role of artistic expression and creativity in the development of society and, accordingly, the importance of a safe and enabling environment for civil society in that regard, in line with article 19 of the International Covenant on Civil and Political Rights;

[2] A/HRC/32/20

7. *Urges* States to ensure access to justice, and accountability, and to end impunity for human rights violations and abuses against civil society actors, including by putting in place, and where necessary reviewing and amending, relevant laws, policies, institutions and mechanisms to create and maintain a safe and enabling environment in which civil society can operate free from hindrance, insecurity and reprisals;

8. *Calls upon* States to ensure that domestic provisions on funding to civil society actors are in compliance with their international human rights obligations and commitments and are not misused to hinder the work or endanger the safety of civil society actors, and underlines the importance of the ability to solicit, receive and utilize resources for their work;

9. *Urges* all non-State actors to respect all human rights and not to undermine the capacity of civil society to operate free from hindrance and insecurity;

10. *Emphasizes* the essential role of civil society in subregional, regional and international organizations, including in support of the organizations' work, and in sharing experience and expertise through effective participation in meetings in accordance with relevant rules and modalities, and in this regard reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with subregional, regional and international bodies, and their representatives and mechanisms;

11. *Recognizes* the valuable contribution of national, subregional, regional and international human rights mechanisms and bodies, including the universal periodic review and special procedures of the Human Rights Council, the human rights treaty bodies and national human rights institutions, to the promotion and protection of civil society space;

12. *Encourages* the special procedures of the Human Rights Council, the treaty bodies and relevant United Nations bodies, agencies, funds and programmes to continue to address relevant aspects of civil society space in the framework of their respective mandates;

13. *Urges* States to ensure the creation and maintenance of a safe and enabling environment for civil society in the context of the universal periodic review, and encourages States in that regard to consult civil society in the preparation of their national reports, to consider including in their national reports information on relevant domestic provisions and steps, to consider making relevant recommendations to States under review, and to assist States in the implementation of relevant recommendations through, inter alia, the sharing of experiences, good practices and expertise and offering technical assistance on the basis of requests and with the consent of the States concerned, and conducting broad consultations with civil society in the follow-up to their review;

14. *Also urges* States to create and maintain, in law and in practice, a safe and enabling environment for civil society, and in this regard to use good practices such as, inter alia, those compiled in the report of the High Commissioner on practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned [2] by, inter alia:

(*a*) Taking steps to ensure a supportive legal framework and access to justice, including by acknowledging publicly the important and legitimate role of civil society in the promotion of human rights, democracy and the rule of law, including through public statements and public information campaigns, and better addressing business-related human rights abuses through effective implementation of the Guiding Principles on Business and Human Rights;

(*b*) Contributing to a public and political environment conducive to civil society work, including by strengthening the rule of law, the administration of justice, social and economic development, access to information, the promotion of the rights to freedom of

opinion and expression online and offline, peaceful assembly and association, and by participating in public affairs and promoting the real and effective participation of the people in the decision-making processes, and taking steps to ensure that all domestic legal provisions with an impact on civil society actors, including counter-terrorism measures, comply with relevant international human rights obligations and commitments, including the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, maintaining accessible domestic procedures for the establishment or registration of organizations and associations, and access to national, regional and international human rights mechanisms;

(*c*) Providing for access to information, including by adopting clear laws and policies providing for effective disclosure of information held by public authorities and a general right to request and receive information subject to clearly and strictly defined exceptions in accordance with international human rights law;

(*d*) Providing for the participation of civil society actors, including by enabling them to participate in public debate on decisions that would contribute to the promotion and protection of human rights and the rule of law and on any other relevant decisions, and to provide input on the potential implications of legislation when it is being developed, debated, implemented or reviewed, and exploring new forms of participation and opportunities brought about by information and communications technology and social media;

(e) Providing for a long-term supportive environment for civil society, including through education that is aimed at strengthening the respect of human rights and fundamental freedoms;

15. *Invites* States to seek technical assistance and advice in this regard, including from the Office of the United Nations High Commissioner for Human Rights, relevant special procedures of the Human Rights Council and from regional human rights mechanisms;

16. *Invites* States and other stakeholders to brief, on a voluntary basis, the Human Rights Council at its thirty-fifth session, on measures taken to implement the recommendations contained in the report of the High Commissioner;[2]

17. *Welcomes* the work of the Office of the High Commissioner to promote and protect civil society space, including its work on widening the democratic space, and invites it to continue efforts in this regard;

18. *Requests* the High Commissioner to prepare a report compiling information on the procedures and practices in respect of civil society involvement with regional and international organizations, including United Nations bodies, agencies, funds and programmes, and the contribution of civil society to their work and challenges and best practices, and in that regard to continue to engage with and seek input from those organizations and entities as well as the views of States, national human rights institutions, civil society and other stakeholders, and to submit the compilation to the Human Rights Council at its thirty-eighth session;

19. *Decides* to remain seized of the matter.